

Board of Selectmen
Tuesday, July 9, 2013

A meeting of the Rockport Board of Selectmen was held on Tuesday, July 9, 2013 at 6:15pm in Conference Room A in Town Hall. Five selectpersons were in attendance along with the Town Administrator.

6:20 Meeting Called to Order

Executive Session – Real Property & Negotiations with Nonunion Personnel:
Executive Session: Selectperson Wilkinson moved that the Board of Selectmen enter Executive Session under MGL Chapter 30A, §21(a) for Exception #6: to consider the purchase, exchange, lease or value of real property and Exception #2: to discuss strategy in preparation for negotiations with nonunion personnel. (Roll Call Vote), Selectperson Lucas – aye, Selectperson Murphy – aye, Chairperson Battistelli – aye, Chairperson Battistelli – aye. Chairperson Battistelli: “We are entering executive session because, by not doing so, it would be detrimental to the Town’s negotiating position and we will reconvene in Open Session.”

Executive Session

7:00 Pledge of Allegiance and Moment of Silence

Approval of Minutes of June 25, 2013: Selectperson Lucas moved that the Board of Selectmen approve the minutes of June 25, 2013, Selectperson Murphy seconded, Vote: 5-0.

Approval of 6/25/13
Minutes as amended
Motion Approved

Selectperson Wilkinson stated that on page 2 the nominations of both candidates for dog officer should be changed to reflect what each candidate said. Page 6 regarding the Board of Selectmen hearing on the basketball hoop, change to “in the street lay out”, not “right of way”.

Mill Pond Dam Citations from Senator Tarr: Rep. Ferrante in attendance as well. Sam Coulbourn was not in attendance. The citation to Sam Coulbourn will be postponed to a subsequent meeting when Mr. Coulbourn can be present.

Mill Pond Dam
Citations from
Senator Tarr & Rep.
Ferrante
Postponed to
subsequent meeting

Senator Tarr commented on the repair of the dam. He spoke about the reimbursement from FEMA and MEMA on the Mother’s Day flood damage and said there was a timing issue; the town submitted paperwork and was told that MEMA funding was no longer available. He said they persisted; Joe Parisi worked with them as well as the Town Administrator. It went into the supplemental budget and it was vetoed. Senator Tarr said it was put into the supplemental budget and the \$300,000 is back on the Governor’s desk. This is a longer session until the end of July then back in the fall to Thanksgiving. Selectperson Murphy inquired if the Board of Selectmen should send a letter. Senator Tarr said a letter to the speaker; the senate president and the governor would be helpful. He recommended re-stating the facts and copying Rep. Ferrante and Senator Tarr.

George Ramsden Appreciation: Selectperson Murphy read a letter of appreciation and a resolution for his Fourth of July parade dedication for 50 years, and as a Guidance Counselor, a teacher and coach for 44 years.

George Ramsden
Appreciation from
the Board of
Selectmen

Citations from Senator Tarr and Rep. Ferrante for George Ramsden for his commitment to Rockport

Senator Tarr read a citation from the Massachusetts Senate regarding the unofficial role G. Ramsden has played in the Town of Rockport.

M. Ferrante read a citation from the House of Representatives regarding his strong commitment to the Town of Rockport.

Appointment of Paul Woodbury to Historic District Commission Motion Approve

Interview of Paul Woodbury for the Historic District Commission: Selectperson Wilkinson moved to reappoint Paul Woodbury as a member of the Historic District Commission for a three year term to expire on June 30, 2016, Selectperson Sheedy seconded, Vote: 4-0. Chairperson Battistelli recused herself; she said her husband is working on a project involving the Historic Commission.

P. Woodbury said he was born and raised here and returned 15 to 20 years ago. He said he has been on the committee for approximately 3 years now. He said enforcement is difficult, sometimes individuals don't come before the commission when they should or they don't do what they said they were going to do.

Interview of Stephen DeMarco for Historic District Commission Postponed to subsequent meeting.

Interview of Stephen DeMarco for the Historic District Commission: this is being postponed to subsequent meeting.

Selectmen Updates and Liaison Reports

Selectmen Updates and Liaison Reports: Selectperson Murphy said Lt. Mark Schmink took him around Rockport on the morning of the 4th of July; he said the signage posted was incredible - it took over eight hours to put the signs up. He stated it was a nice parade; there were no problems. All police officers worked that day. He said he has heard comments on the "shortness" of the parade. He recommended that if funding is an issue, perhaps something could be done to encourage groups to participate. He stated that it is expensive to hire bands; the heat may have been a factor also. Maybe reaching out to those that were missing from this year's parade would assist.

Public Comment Period

Public Comment Period: Theodore Tarr, 154 Main Street, commented on the 4th of July parade, he said that he thought it was slow. (Selectperson Wilkinson stated she understood there was a medical emergency that slowed the parade). He said the Historic District Commission would like the Board of Selectmen to support Bearskin Neck and Atlantic Avenue being in the Historic District. MBTA new routes and restorations, etc. He is asking that the Board of Selectmen request that MAPC complete a few projects that they've been promising, the bridge and transfer station.

Town Administrator's Report

Town Administrator's Report:

The Town Administrator spoke on the Long Beach considerations; she said they've been working on the first draft to give the board a rough idea of what they're working on. The Town Administrator said she would like the board to consider scheduling a public forum so we can move forward. She said that the finished document will be available for the Board of Selectmen before the public forum. She is recommending late August for the public forum. They are working

on a notice to lease holders; the document is "Long Beach Facts & Considerations".

Rockport fireworks: Chairperson Battistelli stated that a collection box has been in a public location seeking donations to support fireworks in town. Permission would need to be obtained if this is requested. The Town Administrator will follow-up.

7:35 Action List

Action List:

Appointment of Paul Sena to the Board of DPW Commissioners: Selectperson Lucas nominated Paul Sena as a member of the DPW Commissioners for a three year term to expire on June 30, 2016, Selectperson Murphy seconded, Vote: 5-0.

Appointment of Paul Sena to DPW Commissioners
Motion Approved

Appointment of Carl Engel to the Finance Committee: Selectperson Murphy moved that the Board of Selectmen appoint Carl Engel as a member of the Finance Committee for a three year term to expire on June 30, 2016, Selectperson Sheedy seconded, Vote: 5-0.

Appointment of Carl Engel to Finance Committee
Motion Approved

Appointment of Dog Officer: Selectperson Wilkinson moved that the Board of Selectmen appoint Andrea Lucas as Dog Officer for a one year term to expire on June 30, 2014, Selectperson Lucas seconded, Vote: 2-1. Selectpersons Sheedy and Murphy recused themselves, this is a conflict for Selectperson Sheedy and Selectperson Murphy missed the interviews at the last meeting. Selectpersons Wilkinson, Battistelli and Lucas are voting. Chairperson Battistelli said she is in favor of M. Cabral. Selectperson Lucas said the Police Chief recommended Lucas. She said she spoke to the Asst. Dog Officer and researched complaints that have been received. She was very concerned when the e-mail from M. Cabral was received regarding her Facebook, this raised concerns about the current dog officer. Selectperson Wilkinson said sometimes change is good, she said she appreciates M. Cabral's service for all the years, but said she felt personally attacked by M. Cabral's e-mail claiming Facebook hacking.

Appointment of Andrea Lucas as Dog Officer
Motion Approved

Appointment of Maureen Beeley to the Council on Aging: Selectperson Sheedy moved that the Board of Selectmen appoint Maureen Beeley as a member of the Council on Aging for a three year term to expire on June 30, 2016 Selectperson Murphy seconded, Vote: 5-0.

Appointment of Maureen Beeley to Council on Aging
Motion Approved

Appointment of David Delaney to the Thacher/Straitsmouth Islands Town Committee: Selectperson Lucas moved that the Board of Selectmen appoint David Delaney as a member of the Thacher/Straitsmouth Islands Town Committee for a one year term to expire on June 30, 2014, Selectperson Murphy seconded, Vote: 5-0.

Appointment of David Delaney to Thacher/ Straitsmouth Islands Town Committee
Motion Approved

Appointment of Frederick Tarr to the Thacher/Straitsmouth Islands Town Committee: Selectperson Murphy moved that the Board of Selectmen appoint Frederick Tarr as a member of the Thacher/Straitsmouth Islands Town Committee for a one year term to expire on June 30, 2014, Selectperson Sheedy seconded, Vote: 5-0

Appointment of Frederick Tarr to Thacher/ Straitsmouth Islands Town Committee
Motion Approved

Appointment of
Kimberly Jones to
Millbrook Meadow
Committee
Motion Approved

Appointment of Kimberly Jones to the Millbrook Meadow Committee:
Selectperson Wilkinson moved that the Board of Selectmen appoint Kimberly Jones as a member of the Millbrook Meadow Committee for a one year term to expire on June 30, 2014, Selectperson Sheedy seconded, Vote: 5-0.

Nomination of Ellen
Canavan to MBTA
Advisory Committee
Postponed to
subsequent meeting.

Nomination of Ellen Canavan to the MBTA Advisory Committee: Selectperson Sheedy nominated Ellen Canavan to the MBTA Advisory Committee for a one year term to expire on June 30, 2014, Selectperson Lucas seconded. The appointment will be on the agenda for the next meeting. Selectperson Wilkinson said she is not supporting E. Canavan due to the disrespect she has displayed in the past.

Resignation of Faye
Anderson from
Memorial Day
Committee
Motion Approved

Resignation of Faye Anderson from the Memorial Day Committee: Selectperson Lucas moved that the Selectmen accept the resignation of Faye Anderson from the Memorial Day Committee effective June 30, 2013, Selectperson Murphy seconded, Vote: 5-0.

Resignation of
Jonathan Ring from
Historical District
Commission
Motion Approved

Resignation of Jonathan Ring from the Historical District Commission: Selectperson Murphy moved that the Selectmen accept the resignation of Jonathan Ring as an alternate member of the Historical District Commission effective June 30, 2013, Selectperson Sheedy seconded, Vote: 5-0.

Approval to Hire a
Children's Librarian
Motion Approved

Approval to Hire a Children's Librarian: Selectperson Wilkinson moved that the Selectmen approve the hiring of a Children's Librarian to fill the vacancy of the current retiring Children's Librarian, Selectperson Murphy seconded, Vote: 5-0.

Street Performer
License for Jacob
Pardee
Motion Approved

Street Performer License for Jacob Pardee: Selectperson Sheedy moved that the Board of Selectmen approve a Street Performer License for Jacob Pardee for the 2013 summer season, Selectperson Murphy seconded, Vote: 5-0.

Street Performer
License for Michael
Kelly
Motion Approved

Street Performer License for Michael Kelly: Selectperson Lucas moved that the Board of Selectmen approve a Street Performer License for Michael Kelly for the 2013 summer season, Selectperson Murphy seconded, Vote: 5-0.

Stand Up Paddle Board
Rental Business
No vote taken

Stand Up Paddle Board Rental Business: no vote taken - currently regulations do not allow this. If more information is available, this can be reviewed at a subsequent meeting.

Lease for 78 Long
Beach to reflect
change of ownership
Motion Approved

Lease for 78 Long Beach: Selectperson Wilkinson moved that the Board of Selectmen approve and sign a lease with Miguel and Kristina Martinez for 78 Long Beach to reflect a change of ownership, Selectperson Murphy seconded, Vote: 5-0.

Yearend Transfers
Motion Approved

Yearend Transfers: Selectperson Sheedy moved that the Selectmen approve the following Year End Transfers:

- 1) \$13,000.00 from Economic Development Expenses to DPW Snow & Ice Overtime
- 2) \$10,426.68 from IS&T Appoint Full Time Labor to DPW Salt Expense
- 3) \$3,908.32 from Police Vehicle Maintenance to DPW Salt Expense
- 4) \$2,172.23 from Police Gas/Diesel to DPW Salt Expense
- 5) \$5,327.77 from Police Gas/Diesel to DPW Salt Expense
- 6) \$2,000.00 from Traffic & Parking Signs & Posts to DPW Salt Expense

7) \$10,618.13 from Parking Clerk Data Processing to DPW Salt Expense
Selectperson Murphy seconded, Vote: 5-0.

Selectperson Murphy commented on the transfer from the Economic Development Committee and why those funds were not spent and said this is disappointing. The Town Administrator said that due to staff absences the funds were not expended.

Scuba Diving Lessons: Selectperson Lucas moved that the Selectmen approve the use of Back Beach by Boston Scuba to conduct diving lessons on July 13th and 14th, seconded by Selectperson Sheedy, Vote: 5-0.

Scuba Diving Lessons
on Back Beach
Motion Approved

Community House Policies: Selectperson Murphy moved that the Selectmen adopt the Community House Policies dated June 11, 2013, Selectperson Wilkinson seconded. No vote taken until the policies are reviewed.

Adoption of
Community House
Policies
No vote taken.

Selectperson Lucas drafted the job description for the facilities coordinator and board members have copies of the draft policies. These should be reviewed by the DPW Director. Currently the building is cleaned two times each week; over 200 people are in the building every week. Selectperson Sheedy requested comments/revisions on the policies be submitted to the Town Administrator.

It was recommended the cleaning be increased to four cleanings each week for now; the DPW Director will be contacted. All Board members are asked to review the policies and job description and get any comments to the Town Administrator. Selectperson Lucas said the rules, the fees, the layout of the building should be in a PDF format and accessible for those wishing to rent the building.

9:00 Discussion Items

Discussion Items

Parking & Transportation Committee

The committee charge and membership was discussed, the charge will be developed by the Town Administrator. After the committee is established; members will be recruited.

Parking &
Transportation
Committee

Sales Tax for Online Purchases: Greg Verga from Gloucester's City Council had been seeking support. Selectperson Lucas said she could support on-line sales tax if it brought down the Massachusetts sales tax. Chairperson Battistelli questioned if Rockport should do a resolution like Gloucester did. A letter could be attached to the resolution, then vote to accept the resolution at a subsequent meeting.

Sales Tax for Online
Purchases

Cape Ann Tool Company Project: Chairperson Battistelli said this is an update on the Chapter 91 issue, she said she spoke to Alex Strycky from the DEP today. She said she was told that the comments received by the DEP have been forwarded to the applicant. The DEP has met with the applicant several times. Yesterday the DEP sent a letter to the applicant requesting more information and plans. They are assuming that the plan will be changed based on the comments received; the DEP wants full plans. A copy of the DEP letter should be sent to the Board of Selectmen. The applicants usually want to get questions quickly so they can move the process along. Once the DEP has the complete package, they can

Cape Ann Tool
Company Project

deny or send a draft license. Their decision is appealable. Gerry Falco from the Conservation Commission will see any revised plans. Selectperson Murphy recommended that this remain as a permanent agenda item. It was commented that the Conservation Commission has this on the agenda tomorrow night, it's a continued hearing. It was stated that effective today there are no boats attached to the moorings in the disputed area. Mooring holders are asking for legal explanation of why their moorings had to be moved at this time. Chairperson Battistelli questioned if there will be a window of time for the town to provide comments while the DEP is considering the changed proposal. Selectperson Murphy recommended involving Senator Tarr as necessary as he has the history. Selectperson Sheedy stated that this is a very emotional issue for people. Chairperson Battistelli concluded that we want to see change on the site without giving up rights to the harbor that we shouldn't have to.

Other Business/
Announcements:

Other Business/Announcements:

Scheduling of Board of
Selectmen Public
Forum on Long Beach
8/15/13
Motion Approved

Board of Selectmen Public Forum: Selectperson Murphy moved that the Selectmen hold a Public Forum to discuss Long Beach on 8/15/13 at the Library, seconded by Selectperson Sheedy, Vote 5-0.

Reminder that Open
Meeting Law/Conflict
of Interest Training
On 7/16/13

The Open Meeting Law/Conflict of Interest Training by Kopelman & Paige is being held on Tuesday, 7/16/13.

9:30 Selectperson Wilkinson moved to adjourn, Selectperson Murphy seconded, Vote: 5-0.

Warrants signed:

Warrant signed for the Fiscal Year 2013 Expenses for the week of 6/30/13 in the amount of \$346,977.30.

Warrant signed for the Fiscal Year 2013 Payroll and Expenses for the week of 7/11/13 in the amounts of \$193,975.26 and \$49,255.81 respectively.

Items Signed:

Waterline Industries
First South Woods Realty Trust
Street Performers License, Jacob Pardee, Harvest Festival
Street Performers License, Michael Kelly, Harvest Festival
Long Beach Lease, #78
Hawkers & Peddlers License, Extreme Concessions
Certificate of Appreciation – George Ramsden
Resolution of Appreciation – George Ramsden